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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/973,354	10/09/2001	Sandro D. Klein	81230.21US2	5285
34018	7590	07/26/2004	EXAMINER	
GREENBERG TRAUIG, LLP 77 WEST WACKER DRIVE SUITE 2500 CHICAGO, IL 60601-1732			SHANKAR, VIJAY	
			ART UNIT	PAPER NUMBER
			2673	9

DATE MAILED: 07/26/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/973,354

Applicant(s)

KLEIN ET AL.

Examiner

VIJAY SHANKAR

Art Unit

2673

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 07 June 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-81 is/are pending in the application.
- 4a) Of the above claim(s) 1-44 is/are withdrawn from consideration.
- 5) ☒ Claim(s) 65-81 is/are allowed.
- 6) ☒ Claim(s) 45-64 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 45-64 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wharton et al (5,831,664 provided in PTO-1449) in view of Treyz et al (6,587,835) and Mosciatti et al (4,828,406).

Regarding Claim 45, Wharton et al teaches a communication system, comprising:

a hand-held wireless controller (12 in fig.1, 3) having a display (Fig.1,3; Col.3, line 55- col.4, line 65) , the hand-held wireless controller operable to transmit command codes to control the operation of a first consumer electronic device (14 in fig.1; see Figs. 1-2, 4-7; Col.3, line 25- col.4, line 28; Col.6, line 19- col.7, line 32) and to receive data to be printed from a second consumer electronic device (16 in fig.1) and to display a representation of the data to be printed in the display (Figs.1-9; Col.3, line 26- col.4, line 27; Col.6, line 19- col.7, line 32).

However, Wharton et al does not teach a base station having a cradle adapted to removeably receive the hand-held wireless controller, the hand-held wireless controller and the base station having cooperating contacts for removeably coupling the wireless controller to the base station, the cooperating contacts being used to transmit communications from the wireless controller to the base station including the data to be printed; and a printer coupled to the base station for use in creating a print output based on the data to be printed.

Treyz et al teach a base station having a cradle adapted to removeably receive the hand-held wireless controller, the hand-held wireless controller and the base station having cooperating contacts for removeably coupling the wireless controller to the base station, (Figs.1-2,4,6, 18-19;21, 92,99,100, 107,116) ; the cooperating contacts being used to transmit communications from the wireless controller to the base station including the data to be printed (Figs.1-2,4,6, 18-19;21, 92,99,100, 107,116; COI.9, line 56- col.12, line 55; Col.15, line 3- col.16, line 55; Col.23, line 26- col.24, line 53; col. 53, line 45- col. 54, line 22).

Mosciatti et al teaches a portable device for use in storing, printing and dispensing of tickets and a printer coupled to the base station for use in creating a print output based on the data to be printed (summary; background; Figs.1,7,8, 13; Col.11, line 66- col.12, line 65; Col.13, lines 40-53; col.15, lines 7-23).

Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the teaching of Treyz and Mosciatti et al into Wharton et al for printing the display data or coupon from the hand-held wireless device for providing more user friendly the hand-held wireless device .

Regarding Claim 46, Treyz et al teaches the communication system wherein the hand-held wireless controller comprises a power source and wherein the base station is adapted to recharge the power source when the hand-held wireless controller is coupled to the base station (Figs.1-2,4,6, 18-19;21, 92,99,100, 107,116; COI.9, line 56- col.12, line 55; Col.15, line 3- col.16, line 55; Col.23, line 26- col.24, line 53; col. 53, line 45- col. 54, line 22).

Regarding Claim 47, Wharton et al teaches the communication system wherein the first consumer electronic device and the second consumer electronic device are the same consumer electronic device (see Figs.1-2).

Regarding Claim 48, Wharton et al teaches the communication system wherein the first consumer electronic device comprises a television (14 in fig.2) and the second consumer electronic device comprises a set-top box (16 in fig.1).

Regarding Claim 49, Wharton et al teaches the communication system wherein the first consumer electronic device comprises a television (14 in fig.2) and the second consumer electronic device comprises a personal computer (fig.1; col.3, lines 36-37).

Regarding Claims 50-52, Mosciatti et al teaches the communication system wherein the printer is integral with the base station; the data to be printed comprises data representative of a bar code; and the printer comprises programming for printing industry standard formatted bar codes (Figs.1,7,8, 13; Col.11, line 66- col.12, line 65; Col.13, lines 40-53; col.15, lines 7-23).

Regarding Claim 53, Wharton et al teaches the communication system wherein the hand-held wireless controller comprises a universal remote control having a memory storing a plurality of command codes for use in directly controlling operations of a plurality of different types and makes of consumer electronic devices including the first consumer electronic device (Figs.1-2; Col.3, line 26- col.4, line 27).

Regarding Claim 54, Wharton et al teaches the communication system further comprising a personal computer which provides server functionality coupled to the base station for receiving from the base station data transmitted from the wireless controller. (Figs.1-2; Col.3, line 26- col.4, line 27).

Regarding Claims 55, 57, Wharton et al teaches the communication system further comprising a set-top box which provides server functionality coupled to the base station for receiving from the base station data transmitted from the wireless controller; and a home gateway box which provides server functionality coupled to the base station for receiving from the base station data transmitted from the wireless controller(Background; Summary; Figs.1-2; Col.3, line 26- col.4, line 27).

Regarding Claim 56, Treyz et al teaches a Web-enabled game console which provides server functionality coupled to the base station for receiving from the base station data transmitted from the wireless controller (Figs.1-2,4,6, 18-19;21; 100, 107,116; Col.9, line 56- col.12, line 55; Col.15, line 3- col.16, line 55; Col.23, line 26- col.24, line 53).

Regarding Claim 58, Treyz et al teaches a communication system, wherein the data to be printed is targeted advertising (Fig.38).

Regarding Claim 59, Treyz et al teaches a communication system wherein the data to be printed is an order confirmation (Fig.76; 59).

Regarding Claim 60, Mosciatti et al teaches a communication system, wherein the data to be printed is stored locally in the hand-held wireless controller device until such time as communication with the base station is enabled (Figs.1,7,8, 13; Col.11, line 66- col.12, line 65; col.15, lines 7-23).

Regarding Claim 61, Treyz et al teaches a communication system wherein the hand-held wireless controller is enabled to communicate with the base station in response to the hand-held wireless controller being received in the base station (Figs.1-2, 13; Col.9, line 56- col.12, line 55; Col.15, line 3- col.16, line 55).

Regarding Claims 62,63, Treyz et al teaches a communication system wherein the data to be printed comprises a coupon; the data to be printed comprises driving directions (Fig.59).

Regarding Claim 64, Treyz et al teaches a communication system wherein the hand-held wireless controller has a browser application for displaying a mark-up language page within the display wherein the mark-up language page includes the data to be printed (Figs.1-2, Col.23, line 26- col.24, line 53; col. 53, line 45- col. 54, line 22; col.58, line 37- col.59, line 65).

Allowable Subject Matter

3. Claims 65-81 are allowed.

4. The following is an examiner's statement of reasons for allowance: The prior arts fail to teach a communication system, comprising: a hand-held wireless controller comprising a memory storing a plurality of command codes for use in commanding operations of a plurality of types and makes of consumer appliances; a first transmitter for transmitting signals representative of command codes directly to one or more of the plurality of consumer appliances; a receiver for receiving data to be printed; a display module comprising a touch panel through which a user selects at least one of the plurality of command codes to transmit to the one or more of the plurality of consumer appliances via the first transmitter and for displaying an image representative of the data to be printed; and a second transmitter for transmitting data; a printer; a gateway device; and a base station in communication with the printer and the gateway device, the base station comprising a receiver for receiving the data transmitted via the hand-held wireless device and a controller for routing the data, the data being routed to the printer when the print controller determines that the data comprises the data to be printed otherwise routing the data to the gateway device.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

5. Applicant's arguments with respect to claims 45-64 have been considered but are moot in view of the new ground(s) of rejection.

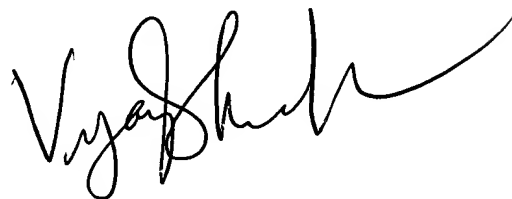
6. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to VIJAY SHANKAR whose telephone number is 703-305-4763. The examiner can normally be reached on M-F 7:00-6:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, BIPIN SHALWALA can be reached on 703-305-4938. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



VIJAY SHANKAR
Primary Examiner
Art Unit 2673

VS